



ability to present his claims, and the complexity of the legal issues raised by the claims.'" *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995) (quoting *Williams*, 926 F.2d at 996); accord *McCarthy*, 753 F.2d at 838-39. Considering the above factors, the Court concludes here that, on initial review, Plaintiff's claims may not be colorable, the issues in this case are not complex, and Plaintiff is not at this time too incapacitated or unable to adequately function in pursuing this matter. Thus, the Court denies for now Plaintiff's motion for appointed counsel.

The other motions require only summary treatment.

**IT IS ORDERED:**

(1) Plaintiff's motion for appointed counsel is **DENIED**, (see Docket Entry # 30); however, if it later appears that counsel may be needed or of specific help, the Court may ask an attorney to appear pro bono on Plaintiff's behalf.

(2) Plaintiff's motions for discovery are **DENIED**. (See Docket Entry #s 18, 25, & 32.) Discovery has been stayed in this case pending receipt by the Court of Defendants' Martinez report. The Court will then determine whether to invite Plaintiff to resubmit his discovery requests.

(3) Plaintiff's "Motion to Appearance" is **DENIED**. (See Docket Entry # 20.) This motion does not appear to ask for

anything; it just reiterates Plaintiff's quest for relief.

(4) Plaintiff's "Motion to Answer Complaint" is **DENIED**.

(See Docket Entry # 21.) In this motion, Plaintiff moves that Officers Dale, Hiatt, Cuddles, and Mecham be ordered to answer his complaint. However, neither Hiatt nor Cuddles are mentioned in the complaint; Dale's name was on a summons prepared by Plaintiff, but not mentioned in the complaint; and Mecham's summons was returned, stating he is not a Utah State Prison employee.

(5) Defendants' motion for a time extension until August 2, 2009, in which to file their *Martinez* report is **GRANTED**. (See Docket Entry # 33.) Defendants must show cause within three days as to why their *Martinez* report has not yet been filed.

DATED this 12<sup>th</sup> day of August, 2009.

BY THE COURT:

A handwritten signature in cursive script, appearing to read 'S. Alba', written over a horizontal line.

SAMUEL ALBA  
United States Magistrate Judge